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3 BILL NO. A-75-06- 20

4 APPROPRIATION ORDINANCE NO. A- 26-75

5 AN ORDINANCE approving the transfer of funds
6 in the 1975 Budget of the Board of Works

7 WHEREAS, there are insufficient funds in Account No. 29-890-264,
8 Off-street Parking Lots to meet contractors' costs for construction of the Fine
9 Arts Parking Lot; and

10 WHEREAS, there are sufficient funds in the unencumbered and un-
11 expended balance of Account 29, Parking Meter Fund to cover said expenses.

12 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
13 THE CITY OF FORT WAYNE, INDIANA:

14 SECTION 1. That the sum of \$200,000.00 is hereby transferred
15 from the unencumbered and unexpended balance of Account No. 29, Parking
16 Meter Fund to Account No. 29-890-264, Off-street Parking Lots in the 1975
17 Budget of the Board of Public Works.

18 SECTION 2. That Account No. 29, Parking Meter Fund is hereby
19 reduced in the amount of \$200,000.00.

20 SECTION 3. This Ordinance shall be in full force and effect from
21 and after its passage, approval by the Mayor and legal publication thereof.

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25 Vivian L. Schmidt
26 Councilman

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35 APPROVED AS TO FORM
AND LEGALITY

Michael J. G.
CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tues the 10th day of July, 1975, at 7:30 o'clock P.M., E.S.T.

Date: 6/24/75

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.
Passed (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>8</u>			<u>1</u>	
BURNS	<input checked="" type="checkbox"/>				
HINGA	<input checked="" type="checkbox"/>				
KRAUS	<input checked="" type="checkbox"/>				
MOSES	<input checked="" type="checkbox"/>				
NUCKOLS				<u>a</u>	
SCHMIDT, D.	<input checked="" type="checkbox"/>				
SCHMIDT, V.	<input checked="" type="checkbox"/>				
STIER	<input checked="" type="checkbox"/>				
TALARICO	<input checked="" type="checkbox"/>				

DATE: 7-8-75

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (Appropriation) Ordinance (Resolution, No. 9-26-75 on the 8th day of July, 1975.

ATTEST:

(SEAL)

Charles W. Westerman

CITY CLERK

James Stier
PRESIDING OFFICER

M. J. Stier Chief Deputy
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of July, 1975, at the hour of 10:30 o'clock A. M., E.S.T.

Approved and signed by me this 9th day of July, 1975,

at the hour of 2:30 o'clock P. M., E.S.T.

James Stier
MAYOR

Bill No. A-75-06-20

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance
approving the transfer of funds in the 1975 Budget of the Board of Works

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

Vivian G. Schmidt - Chairman

William T. Hinga - Vice-Chairman

John Muckols

Winfield C. Moses, Jr.

Paul M. Burns

Vivian G. Schmidt
William T. Hinga

John Muckols
Winfield C. Moses, Jr.
Paul M. Burns

Concurred
MADE A MATTER OF RECORD

DATE 7-8-75 CHARLES W. WESTERMAN, CITY CLERK

Date June 18, 1975

TO THE CITY CONTROLLER:

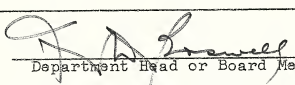
The Board of Public Works (Department)

requests that an appropriation ordinance be prepared and submitted to the City Council authorizing the transfer of \$ 200,000.00 from

Account No. 29 Title Parking Meter Fund to

Account No. 29-890 264 Title Off-street Parking Lots

Reason for Transfer Reason for appropriation of monies is to meet contractors' costs for construction of the Fine Arts Parking Lot.


Department Head or Board Member

Directions -- Departments requesting transfer of funds from one account to another, or for the appropriation of funds from the unexpended balance of the General Fund must fill out this form in duplicate, and send both the original and one copy to the Controller's Office. It is suggested that a third copy be made and retained by the department originating the request. The Controller's office will retain one copy of the form and send the other to the City Attorney which will be his authorization to prepare the appropriation ordinance. Please send the request for transfer of funds to the Controller as early as possible, and at least one week should be allowed for the City Attorney to prepare the appropriation ordinance and the City Clerk to enroll it for the next Council meeting.

AGREEMENT FOR THE CONSTRUCTION AND
MAINTENANCE OF THE FINE ARTS PLAZA

WHEREAS, the Fort Wayne Fine Arts Foundation, Inc. (hereafter referred to as "Foundation") owns certain property in Fort Wayne, Allen County, Indiana within an area bounded by Lafayette Street, Main Street, Barr Street extended and the Norfolk & Western Railroad Elevation; and

WHEREAS, the Foundation desires to improve a certain part of said property, described more particularly in the drawings attached hereto, by the construction thereon of the Fine Arts Plaza; and

WHEREAS, the City of Fort Wayne (hereafter referred to as "City") desires to aid the Foundation in said development.

NOW, THEREFORE, said Foundation and City, for the consideration herein set forth, agree as follows:

A. CONSTRUCTION

1. The City will do all things necessary to construct said Fine Arts Plaza in conformance with the specifications and drawings attached hereto, including engineering, bidding, managing, and supervising said construction.
2. The parties now estimate that construction of said Plaza will commence by June 1, 1975 and be completed by September 1, 1975 and that the total cost of said construction will be approximately \$200,000.00.

B. MAINTENANCE

1. The City will maintain, for the duration of this agreement, the parking and parking ingress and egress pavement surface (excluding pedestrian walkways), parking meters, and lighting structures serving said surface.
2. Parking meters will at all times remain the property of the City.
3. The Foundation will maintain all pedestrian walkways, all lighting structures not directly serving the above mentioned parking surface, all green areas including shrubs, trees and any other improvement placed thereon, and all other areas, buildings, monuments or other improvements not listed in paragraph B-1.
4. The Foundation will assume all utility costs incurred in the operation of said Plaza.

5. Any other provision of this agreement notwithstanding, the City shall provide snow removal for the Plaza's parking and parking ingress and egress areas, excluding pedestrian walkways, for the period including 6:00 a.m. to 6:00 p.m. every Monday through Saturday after construction completion and for the duration of this agreement. The Foundation shall assume the duty of snow removal for all pedestrian areas and for other areas of the Plaza if necessary at any time other than the hours of 6:00 a.m. to 6:00 p.m. each Monday through Saturday.

C. ALLOCATION OF REVENUE AND REPAYMENT OF CONSTRUCTION COST

1. The parties agree that since the exact Capital Improvement cost will not be known until after the awarding of the construction contract and final acceptance of the work, the Capital Improvement cost shall be the construction contract price as awarded pursuant to bids by the City plus any additional costs necessary for construction as determined by the parties.
2. The gross revenue from parking meters and leased parking collected by the City during the period of 6:00 a.m. to 6:00 p.m. Monday through Saturday shall be distributed in the following manner:
 - a. The first \$15,000 gross shall be paid to the Fort Wayne Fine Arts Foundation, Inc. for the purpose of deferring a portion of the operating expenses of the Community Center for the Performing Arts.
 - b. The next \$15,000 gross shall be applied against the principal.
 - c. Additional revenue above the \$30,000 outlined in (a) and (b) above shall be applied to interest which shall be less than or equal to 6% of the unpaid balance for the year in which the income is received. Interest shall not be cumulative from year to year.
 - d. Any revenue in excess of (a), (b), and (c) for a given year shall apply to the principal.
- * 3. The capital improvement costs to the City shall be the total construction costs less \$50,000. The \$50,000 shall be paid to the City by the Fine Arts Foundation within ten (10) days after the construction contracts are awarded.
4. The interest rate on the capital improvement costs shall be (less than or) equal to 6% of the unpaid balance. (The interest when less than 6% for year shall not be cumulative from year to year.)

5. The improvement costs plus interest shall be repaid solely from the revenue received from the operation of the parking meters and leased parking.
6. The City will pay the Foundation the sum of \$15,000.00 or the total revenue derived by the City from the Plaza's operation, whichever sum is smaller each year for the duration of this agreement, in quarterly payments.
7. Revenue derived from leases and from metering devices derived from the metering period of 6:00 a.m. to and including 6:00 p.m. each Monday through Saturday shall be collected by the City and used in accordance with paragraphs C-2 and C-3.
8. All revenue collected other than that referred to in paragraph C-2 shall be the property of the Foundation.
9. The City will notify the Foundation in writing at the time all of the provisions of paragraph C-2 have been fulfilled and shall provide an accounting of all funds collected and so applied to the Foundation at any other reasonable time. Upon said notification that the Capital Improvement cost plus all accrued interest has been paid in full, this agreement shall terminate.

DATE: _____

CITY OF FORT WAYNE

By: _____

DATE: _____

FORT WAYNE FINE ARTS FOUNDATION

By: Henry J. Manger

W. R. Gallinger

George T. Dodd, Sec.

Doc Quinton

FINE ARTS PLAZA AGREEMENT
ADDENDUM

P-2, C-2: It is agreed that paragraph C-2 shall be satisfied by the City paying quarterly 50% of the gross revenues from the parking revenues of the Plaza. During the month following each calendar quarter, the City shall provide an accounting of gross revenues received and pay 50% of same to the Foundation.

Within 30 days of the end of each calendar year, the City shall render an accounting of gross revenues obtained from the Plaza during the preceding year. Provisions of section C of this agreement shall be complied with and adjustments made consistent therewith.

Inasmuch as the Plaza will be under construction during the summer of 1975 and the parking plaza will be operated for only approximately four (4) months in 1975, it is hereby agreed that the Foundation and the City shall share equally in the gross parking revenues received in 1975. An accounting and payment will be rendered, as above, and consistent with section C of this agreement except as otherwise stated herein. It is further agreed that paragraph C-6 shall not apply to the year 1975.

Date: _____

CITY OF FORT WAYNE

By: _____
Dr. Jerry D. Boswell, Chairman
Board of Public Works

Date: _____

FORT WAYNE FINE ARTS FOUNDATION

By: _____
Mr. Darrell W. Huntley

NOTICE TO TAXPAYERS OF
ADDITIONAL APPROPRIATIONS

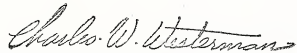
Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 8th day of July, 19 75 at 7:30 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations which said Council considers necessary to meet an extraordinary emergency existing at this time.

BILL NO. A-75-06-20

That the sum of \$200,000.00 is hereby appropriated and transferred from the unencumbered and unexpended balance of Account No. 29, Parking Meter Fund to Account No. 29-890-264, Off-street Parking Lots in the 1975 Budget of the Board of Public Works

There are insufficient funds in Account No. 29-890-264, Off-street Parking Lots to meet contractors' costs for construction of the Fine Arts Parking Lot and there are sufficient funds in the unencumbered and unexpended balance of Account 29, Parking Meter Fund to cover said expenses.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation, as finally made, will be automatically referred to the State Board of Tax Commissioners, which Commission will hold a further hearing within fifteen days at the County Auditor's Office of Allen County, Indiana, or at such other place as may be designated. At such hearing, taxpayers objection to any of such additional appropriations may be heard and interested taxpayers may inquire of the County Auditor when and where such hearing will be held.



CHARLES W. WESTERMAN
CITY CLERK

EMERGENCY APPROPRIATION ORDINANCE

WHEREAS, certain extraordinary emergencies have developed since the adoption of the existing annual budget, so that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore, to meet such extraordinary emergencies:

Sec. 1 Be it ordained by the Common Council of the City of Fort Wayne, Allen County, Indiana, that for the expenses of said municipal corporation the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	4-26-75	AMOUNT REQUESTED	AMOUNT APPROPRIATED
BILL NO. A-75-06-20		\$ 200,000.00	\$ 200,000.00

That the sum of \$200,000.00 is hereby transferred from the unencumbered and unexpended balance of Account No. 29, Parking Meter Fund to Account No. 29-890-264, Off-Street Parking Lots in the 1975 Budget of the Board of Public Works

	4-26-75	AMOUNT REQUESTED	AMOUNT APPROPRIATED
BILL NO. A-75-06-20		\$ 200,000.00	\$ 200,000.00

That Account No. 29, Parking Meter Fund is hereby reduced in the amount of \$200,000.00.

There are insufficient funds in Account No. 29-890-264, Off-Street Parking Lots to meet contractor' costs for construction of the Fine Arts Parking Lot.

Adopted this 8th day of July, 1975.

AYES

NAYS

Paul M. Burns

Vivian G. Schmidt

Samuel J. Talarico

John Nuckols

Donald J. Schmidt

William T. Hinga

Eugene Kraus, Jr.

Winfield C. Moses, Jr.

James S. Stier

ATTEST:

Charles W. Westerman
City Clerk

Issued 9-21-04 State Bd. of Tax Commissioners

STATE OF INDIANA
STATE BOARD OF TAX COMMISSIONERS
201 State Office Building
Indianapolis 46204

In the matter of Additional Appropriations)
for: Allen County)
City of Fort Wayne)

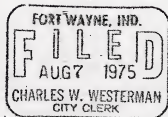
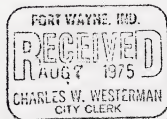
No. 1776

A petition having been filed by the proper legal officers of the above named taxing unit, in the matter of additional appropriations, this matter having been set for hearing on July 22, 1975, a report having been made and all of the facts having been carefully considered, this Board does now take the following action thereon:

APPROVED:

Sewer Relief Fund \$126,000

Parking Meter Fund \$200,000



Reference is made to the appropriation ordinance or resolution of the proper appropriating officials of said taxing unit, adopted: 7/8/75

STATE BOARD OF TAX COMMISSIONERS

Taylor I. Morris, Jr.
Taylor I. Morris, Jr., Commissioner

STATE OF INDIANA
OFFICE OF THE
STATE BOARD OF TAX COMMISSIONERS

I, Gordon E. McIntyre, Secretary of the State Board of Tax Commissioners do hereby certify that the above is a full, true and complete copy of the order of this Board made this date in the above entitled matter.

WITNESS MY HAND and seal of the Board on this the 16th day of August, 1975.

Gordon E. McIntyre
Gordon E. McIntyre, Executive Secretary

DIGEST SHEET

TITLE OF ORDINANCE

G-75-06-20

DEPARTMENT REQUESTING ORDINANCE

Board of Public Works

SYNOPSIS OF ORDINANCE

This ordinance is an appropriation request for \$200,000.00

The appropriation is necessary in order that the city may meet payments due the contract-
or for the construction of the Fine Arts Parking Plaza. The appropriation request com-
bines both the City's share (\$150,000.00) and that of the Fine Arts Foundation (\$50,000.00).
See attached agreement for supportive data. This ordinance is for the City's share of
costs and an advance appropriation of the Foundation's share. The Foundation will,
however, provide the \$50,000.00.

EFFECT OF PASSAGE

will enable the city to meet payments due contractor.

EFFECT OF NON-PASSAGE

will not enable the city to meet payments due contractor.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

Passage of this ordinance
will not increase the Parking Meter budget. Money requested is to come from unappropriated
Parking Meter funds.

ASSIGNED TO COMMITTEE (J.N.)



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

June 25, 1975

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of June 27 and July 4, 1975, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana, Public
Hearing Notice to Taxpayers of
Additional Appropriation of funds

Bill No. A-75-06-19
Sewer Relief Fund

Bill No. A-75-06-20
Parking Meter Fund

Bill No. A-75-06-21
Rental-Seyfert Building

Please send us six (6) copies of the Publisher's Affidavit, from each newspaper.

Thank you.

Sincerely,
Charles W. Westerman

Charles W. Westerman
City Clerk

CWM/ne
ENCL: 3

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____ 2

Body number of lines _____ 43

Tail number of lines _____ 2

Total number of lines in notice _____ 47

COMPUTATION OF CHARGES

17 lines, 1 columns wide equals 47 equivalent lines at 288¢ cents per line \$ 13.54

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) _____ 2.00

TOTAL AMOUNT OF CLAIM = \$ 15.54

DATA FOR COMPUTING COST

Width of single column 11 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 4, 19 75

Title ARVILLA DE WALD CLERK

NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 8th day of July, 1975 at 7:30 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations necessary to meet an extraordinary emergency existing at this time:

BILL NO. A-75-98-20
That the sum of \$200,000.00 is hereby appropriated and transferred from the unencumbered and unexpended balance of Account No. 29, Parking Meter Fund to Account No. 29-890-364, Off-street Parking Lots in the 1975 Budget of the Board of Public Works.

There are insufficient funds in Account No. 29-890-364, Off-street Parking Lots to meet contractors' costs for construction of the Fine Arts Parking Lot and there are sufficient funds in the unencumbered and unexpended balance of Account No. 29, Parking Meter Fund to cover said expenses.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation, as finally made, will be automatically referred to the State Board of Tax Commissioners, which Commission will hold a further hearing within fifteen days of the County Auditor's Office of Allen County, Indiana, or of such other place as may be designated. At such hearing, taxpayers objection to any of such additional appropriations may be heard and interested taxpayers may inquire of the County Auditor when and where such hearing will be held.

CHARLES W. WESTERMAN
City Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DE WALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

6/27 & 7/4/75

Subscribed and sworn to before me this 4th day of July 19 75

Notary Public

My commission expires October 25, 1975



Common Council of Fort Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

2

43

2

47

COMPUTATION OF CHARGES

47 lines, 1 column wide equals 47 equivalent lines at 288¢ cents per line

\$ 13.54

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 15.54

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 4, 1975

Title Clerk

V.E. Gerken

NOTICE TO TAXPAYERS OF
ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 8th day of July, 1975 7:30 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations which said Council considers necessary to meet an extraordinary emergency existing at this time.

That the sum of \$200,000.00 is hereby appropriated and transferred from the unencumbered and unexpended balance of Account No. 29, Parking Meter Fund to Account No. 29-890-254, Off-street Parking Lots in the 1975 Budget of the Board of Public Works.

There are insufficient funds in Account No. 29-890-254, Off-street Parking Lots to meet contractors' costs for construction of the Fine Arts Parking Lot and there are sufficient funds in the unencumbered and unexpended balance of Account 29, Parking Meter Fund to cover said expenses.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation, as finally made, will be automatically referred to the State Board of Tax Commissioners, which Commission will hold a further hearing within fifteen days at the County Auditor's Office of Allen County, Indiana, or at such other place as may be designated. At such hearing, taxpayers objection to any of such additional appropriations may be heard and interested taxpayers may require of the County Auditor when and where such hearing will be held.

CHARLES W. WESTERMAN
City Clerk

6-277-4

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. Gerken who, being duly sworn, says that he is Clerk of the

NEWS-SENTINEL

DAILY

a news paper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

time 5 the dates of publication being as follows:

6/27/ & 7/4/75

Subscribed and sworn to before me this 4th day of July, 1975.

V.E. Gerken
Charles W. Westerman

Notary Public

My commission expires October 25, 1975